

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BROOKS INSTRUMENT, LLC.

Plaintiff

vs.

MKS INSTRUMENTS, INC.

Defendants

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**CASE NO. 6:10cv221
PATENT CASE**

ORDER

In accordance with the status conference held September 7, 2010, this case is set as follows:

***Markman* Hearing: September 8, 2011 at 9:00 a.m**

Pretrial Conference: March 22, 2012 at 9:00 a.m.

Jury Selection: April 2, 2012 at 9:00 a.m.

Jury Trial: April 9, 2012 at 9:00 a.m.

The parties are to submit agreed Docket Control and Discovery Orders to the Court by **September 21, 2010.**¹ The parties shall include in the Docket Control Order the name and contact information of their agreed mediator, with the first round of mediation taking place before the claim construction hearing. If the parties cannot agree on a mediator, the Court will appoint one. Requests or motions for extension of time for parties to agree on a mediator will not be considered by the Court.

¹ The Court's standard Docket Control Order and Discovery Order are available on the Court's website at <http://www.txed.uscourts.gov/Judges/Davis/Orders&Forms.htm>.

If the parties are unable to resolve their disagreements concerning the Docket Control and Discovery Orders, the parties shall submit to the Court their competing proposals along with a summary of their disagreements. For purposes of computing the time deadlines under the local patent rules, the Court deems **September 21, 2010** as the effective Rule 16 Initial Case Management Conference date, and thus Plaintiff's P.R. 3-1 and 3-2 disclosures will be due **September 13, 2010**.

So ORDERED and SIGNED this 10th day of September, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE